

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA

DOCKET NO. 2007-450-T - ORDER NO. 2008-317

APRIL 30, 2008

IN RE: Application of Mark A. Nagele, 1229	)	ORDER RESCINDING
Southern Living Lane, Conway, South	)	ORDER NO. 2008-32
Carolina 29527 (District 1) for a Class C	)	AND DECLARING
Certificate of Public Convenience.	)	MOOT ORS' MOTION

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Motion of the Office of Regulatory Staff (ORS) to rescind Commission Order No. 2008-32 issued to Mark A. Nagele (Nagele or the Applicant) as the result of the failure of the Applicant to comply with certain rules of this Commission and on the request of Nagele to rescind Commission Order No. 2008-32. By Order No. 2008-32, dated January 23, 2008, Nagele was granted authority to operate as a motor carrier in South Carolina under a Class C Certificate of Public Convenience and Necessity.

By motion filed April 8, 2008, ORS requests rescission of Order No. 2008-32. According to ORS, Nagele has not filed Form E, evidencing proof of liability insurance, as required by Order No. 2008-32. As a result of Nagele's failure to provide to the ORS proof of insurance, ORS states that it has not issued a Certificate of Public Convenience and Necessity to the Applicant and requests that Order No. 2008-32 be rescinded for the Applicant's failure to comply with the terms of the Order. Concurrently on April 8, 2008, Nagele filed with the Commission a request for rescission of Order No. 2008-32.

After consideration of ORS' motion and Nagele's request, the Commission is of the opinion, and so finds, that the motion of ORS should be dismissed as moot and that the relief requested by Nagele should be granted.

IT IS THEREFORE ORDERED:

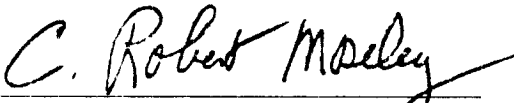
1. That Commission Order No. 2008-32, dated January 23, 2008, granting authority to Mark A. Nagele to provide motor carrier services under a Class C Certificate of Public Convenience and Necessity is rescinded.
2. That Docket No. 2007-450-T is closed.
3. That the Motion of the Office of Regulatory Staff to Rescind Commission Order No. 2008-32 is dismissed.
4. That this Order shall remain in full force and effect until further Order of this Commission.

BY ORDER OF THE COMMISSION:



G. O'Neal Hamilton, Chairman

ATTEST:



C. Robert Moseley, Vice Chairman

(SEAL)